

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

NSTAR ELECTRIC AND GAS
CORPORATION,

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Plaintiff,

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U.S. DISTRICT COURT
DISTRICT OF MASS.

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Civil Action No. 04-CV-11150-EFH

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v.

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UNITED STEELWORKERS OF
AMERICA, LOCAL 12004,

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Defendant

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PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56(a), Plaintiff NSTAR Electric and Gas Corporation ("NSTAR") moves for the entry of summary judgment in its favor on the count for declaratory relief alleged in the Complaint. NSTAR seeks a declaration from this Court that a grievance filed by the Defendant Union and currently pending before Arbitrator Gary Altman is not arbitrable.

The grounds for this motion are set forth in the memorandum of law, and statement of undisputed material facts, submitted herewith.

WHEREFORE, NSTAR prays that its motion be allowed, that this Court enter summary judgment in NSTAR's favor, and that this Court declare that the grievance pending before Arbitrator Altman is not arbitrable.

REQUEST FOR ORAL ARGUMENT

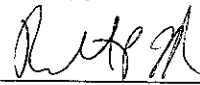
Pursuant to Local Rule 7.1(D), NSTAR requests oral argument on this motion. This Court has previously granted NSTAR's Motion for a Speedy Hearing in this case.

Respectfully submitted,

NSTAR ELECTRIC AND GAS CORPORATION,

By its Attorneys,

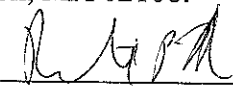
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Robert P. Morris
B.B.O. #546052

Dated: June 23, 2004

CERTIFICATE OF SERVICE

I, Robert P. Morris, certify that on June 23, 2004, I caused to be served a copy of the within pleading by hand on counsel for Plaintiffs, Warren H. Pyle, Pyle, Rome, Lichten & Ehrenberg, P.C., 18 Tremont Street, Suite 500, Boston, MA 02108.


Robert P. Morris